

DOUGLAS COUNTY SHERIFF'S OFFICE		Policy and Procedure
Employee Leave and Compensation		P&P-L-101
All Other Leave (Excludes Holiday, Sick, Vacation)		
Effective Date: 03-06-18 Supersedes: 03-30-17	Approval: Sheriff	Number of Pages: 6
References: DCG Policy No. IV.3.2; P&P-L-108	Reevaluation Date: Annually	Standards: CALEA 22.2.1, 22.2.8 COM 3.2.2

I. MILITARY LEAVE

Any eligible employee, serving in the military will be entitled to a maximum of fifteen (15) paid days of military leave per year. The employee will retain military and county salaries in full for the 15 days. Seniority, job status, vacation / sick leave accruals and other county benefits will continue. <COM 3.2.2a><22.2.1f>

Employees taking military leave beyond 15 days will not be paid by Douglas County for such additional days. These additional days can be vacation or leave without pay as requested by the employee. The employee cannot be ordered to utilize vacation time. Requests for military leave shall be made to the employee's supervisor as much in advance as possible. Advanced notice can be difficult based on the employee's military mission requirements and operations tempo of the particular unit. Some units may be prone to intermittent short term leave. These circumstances can create scheduling / manpower difficulties for the Office. Therefore, it is necessary for the employee and the supervisor to maintain immediate, constant and open communication concerning military leave and Sheriff's Office work status.

The employee must submit TOR requests (vacation or leave without pay) to their supervisor for the workdays that the employee will not be reporting to the Sheriff's Office. This is necessary so that the Sheriff's Office is able to appropriately schedule shifts, as required staffing levels must be maintained. If the employee intends to take leave without pay, an inter-office memo from the employee must be submitted through the chain of command to the Sheriff requesting such leave. These procedures must be followed so that the type of leave and the attendance of the employee at the Sheriff's Office is known in advance, as contact with the employee after the leave begins may be difficult.

The TOR request must be followed up with the employee's official military orders. These should be submitted to the employee's supervisor as soon as they become available. These orders will be compared to the TOPs submitted for leave and then will be forwarded by the supervisor to the personnel coordinator to be placed in the employee's red file. The Office is aware that these orders may not become available to the employee immediately, and may not be issued until after the military service has begun. Orders vary somewhat based on the branch of service and some may begin as 'draft' orders. These draft orders are acceptable for sudden deployments; however, they must be followed up with the final certified orders when they become available.

If issues concerning the repeated timeliness of the military leave requests arise, the employee's supervisor may contact the employee's military unit after consulting with his captain or functional equivalent. While the employee may have no control over the short notice(s), if the military unit is aware of the circumstances at the Sheriff's Office they may be able to make notifications to the employee sooner so shifts can be covered. This will not be done to discourage the employee's military service to the country, but only for more timely communication to address the operational needs of the Sheriff's Office.

If an employee's supervisor believes that the amount, frequency or timeliness of the notice of leave is creating an undue hardship for the Office, the supervisor will contact his captain or functional equivalent and, based on their evaluation of the circumstances, may then consult with Professional Standards. Any official hardship claim will only be made after consultation and approval of the Sheriff.

The county also has a Military Leave – War Time and National Crisis Policy (Policy No. IV.3.2. / P&P L-108). This policy provides for additional military leave to eligible employees called to full-time active duty status during times of war and/or national crisis in accordance with USERRA. For details refer to the policy or contact Human Resources.

II. COURT LEAVE

Employees shall not lose regular pay or leave accrued while serving on jury duty or while appearing as a witness in a court proceeding that was the result of performing law enforcement duties. All fees received for jury duty and mileage shall be retained by the employee. Court fees received for Office related cases, where the Office is paying for time, mileage, etc., will be turned over to the Records Section and deposited into the general fund.<COM 3.2.2a>

III. LEAVE WITHOUT PAY

In certain cases, leave without pay may be granted to any employee for a period of up to twelve (12) months. The employee's interest and employment record shall be considered as well as the interest of the Office. <COM 3.2.2a>

All formal requests shall be made to the Sheriff in writing through the chain of command. If approved, such leave shall not constitute a break in service. Vacation and sick leave shall not accrue and employees are not eligible for holiday pay while the employee is on leave without pay. Employees may be eligible to return to their prior position at the expiration of the leave period. Failure to return promptly at the expiration of a leave without pay shall be considered a resignation.

IV. BEREAVEMENT LEAVE

Regular, full-time employees will be entitled to 32 working hours off with pay in the event of a death in the immediate family (see section P&P-L-102 for definition of immediate family). Requests for bereavement leave shall be made to the employee's supervisor as much in advance as possible. With approval, an employee may use accrued sick or vacation time for additional bereavement time. <COM 3.2.2a>

V. **SHORT TERM DISABILITY**

Refer to Section P&P-L-106 - *Medical Leave*.

VI. **FAMILY AND MEDICAL LEAVE (FMLA)**

A. Eligibility for Leave: Any employee who has been employed by Douglas County for at least 12 months and has worked at least 1,250 hours during the 12 months preceding the commencement of a leave of absence is eligible for family or medical leave if certain conditions are met. Generally employees will be returned to the same or equivalent position with equivalent benefits and pay. Each eligible employee is granted Family and Medical Leaves of Absence (FMLA) for the following reasons: (1) Medical leave, including an employee's serious health condition or pregnancy disability; and (2) Family leave, including a father's attendance at birth of child, parent's care of newborn, if completed within twelve months following birth of child, placement of a child with employee for adoption or foster care, serious health condition of employee's child under 18 years, or older if disabled, or serious health condition of employee's spouse or parent. <COM 3.2.2a, d>

If an employee is going to miss more than forty (40) consecutive scheduled hours of work (including vacation time, which is being used for FMLA reasons), the employee must request an FMLA packet from the Sheriff's Office personnel coordinator, which includes a Leave of Absence Request form and a medical certification (if not a Worker's Compensation claim).

If the necessity for the leave is foreseeable, an employee must notify personnel coordinator of the request for leave 30 days in advance. If the leave is foreseeable based on a planned medical leave, the employee must also make a reasonable effort to schedule treatment so not to unduly disrupt Douglas County operations. If the leave is unforeseeable, the employee is expected to give notice to their supervisor of the need for FMLA leave as soon as practicable under the circumstances, i.e., within one or two working days and contact the personnel coordinator to have the appropriate paperwork mailed or emailed to them.

An employee requesting a foreseeable leave must initiate a Leave of Absence Request (LOAR) form and provide appropriate documentation, as may be requested, to verify the reasons for the leave. Any request for leave based on a serious health condition, whether it involves the employee or a family member, must be made in a timely manner and be supported by appropriate medical certification. Documentation confirming family relationship, adoption or foster care may be required.

If the leave is due to the employee's medical condition, a medical certificate must specify that the employee is unable to perform an essential function of his or her job and meets one of the qualified conditions, including the duration of such a work restriction. For leave occurring from the medical condition of a family member, the medical statement must specify that the employee is needed to care for the family member. In all cases of leave for serious health condition, Douglas County reserves the right to request a second medical opinion at Douglas County's expense.

Failure to provide notification and appropriate medical certification in a timely basis may result in delayed approval or denial of leave. Continued absence after denial of leave may result in disciplinary action.

In a case of a non-work related medical condition that would lead the employee, or their supervisor, to believe it will require leave in excess of forty (40) hours, the employee is required to contact the personnel coordinator, to complete FMLA paperwork. This applies regardless of whether the medical condition ultimately exceeds the forty (40) hours.

- B. Length of Leave: Each eligible employee may be granted an unpaid family or medical leave for a period up to 12 weeks during a rolling 12-month period beginning on the first day of leave. If both spouses work for Douglas County, they may be granted an unpaid family or medical leave for a combined period up to 12 weeks during a 12-month period for birth of a child or placement of a child for adoption or foster care. Under a family or medical leave, the employee must exhaust any accrued vacation, sick and compensatory hours at the beginning of the leave, with the exception of worker's compensation leaves.
- C. Benefits During Leave: If a full or part-time regular employee is on paid leave, appropriate deductions for employee's portion of the benefit premium will be made from the employee's paycheck and café dollars will continue.

An employee on an approved unpaid family or medical leave of absence will be retained on all enrolled Douglas County benefit plans. The employee must make arrangements with the Human Resources Department for payment of the employee's portion of the benefit premium. As with other types of unpaid leave, the employee will not accrue any vacation or sick leave during the period of the unpaid leave. Holidays, bereavement leave or jury duty pay is not granted if on unpaid leave. However, benefits accrued by the employee up to the day on which the family or medical leave of absence begins will remain as earned.

In the event that an employee fails to return from unpaid family or medical leave, the employee will be liable for the premiums paid by the employer to maintain insurance coverage unless: (1) the employee's failure to return to work occurs from the continuation, recurrence or onset of a serious health condition of the employee or a family member; or (2) the failure to return occurs from circumstances beyond the control of the employee.

- D. Reduced Work Schedule / Intermittent Leave: Although most leaves are taken in a single block of time, intermittent leaves or reduced work schedules also may be granted, where medically required, or in cases where both Douglas County and the employee agree. Any employee taking intermittent leave or reduced schedules may be required to temporarily transfer to another job with equivalent pay and benefits that better accommodates that type of schedule.

Appropriate medical certification is required. Any time off permitted, based on a reduced work schedule or intermittent leave, will be treated in the same manner as absences under the family and medical leave policy, and such absences will be applied against the leave permitted under such policy.

- E. Reporting during Leave: An employee on leave will be required to report periodically to the personnel coordinator on their status and intent to return to work.
- F. Return from Leave: An employee upon returning from authorized leave will be reinstated to the same or an equivalent position subject to the rules of FMLA. Medical documentation is required verifying an employee's fitness for duty and ability to return to work from medical leave. Failure to return to work on the day after the expiration of leave will be considered job abandonment and may result in termination of employment. All employees returning from FMLA are required to meet with the personnel coordinator prior to returning to work. <22.2.1e>

VII. ABSENCE

Unauthorized absence of an employee from duty shall be grounds for disciplinary action, which may include dismissal. Any employee absent for three (3) consecutive working days without notice to the immediate supervisor shall be considered to have resigned. When extenuating circumstances are found to have existed, the absence may be changed to a leave without pay at the discretion of the employee's division captain.

Any employee taking leave of absence without pay shall be credited a prorated amount of sick leave and vacation time based on the hours worked and any paid leave taken during the pay period. Leave of absence without pay includes, but is not limited to: medical leave, family leave, authorized leave for other personal reasons, or disciplinary suspensions.

VIII. EXTENDED LEAVE (Leave in excess of 12 weeks)

Employees may be required to turn in all issued equipment if they are on military leave, workers' compensation, medical leave, sick leave, or any other type of approved leave that exceeds a period of 12 weeks. If requested, issued equipment will be turned in to the Asset Management Technician and will be reissued when the employee has been cleared for full-duty status. <22.2.8d>

The agency point of contact for personnel with military activations exceeding 12 weeks will be the personnel coordinator. The human resource contact is the leave coordinator. <22.2.8a> <22.2.8b>. The personnel coordinator will be responsible for conducting an exit interview for out-processing prior to the member leaving for military activations exceeding 12 weeks. The personnel coordinator will also be responsible for conducting an in-processing interview upon their arrival back from extended military leave. <22.2.8c> <22.2.8e> The personnel coordinator will ensure a process for communication with the deployed member is established. <22.2.8g> Depending on the duration of the deployment, refresher training and steps for reintegration may be provided and requalification with weapons may occur. <22.2.8f>

IX. RESCHEDULED TIME

Due to the nature of some positions, overtime or work time outside the normal workweek may be required. The employee's supervisor may grant administrative time off with pay. The use of this rescheduled time is limited by the work requirements of the department.

X. LONG-TERM DISABILITY LEAVE

Refer to Section P&P-L-106 - *Medical Leave*.

XI. OUT OF OFFICE TIME

Full-time salaried employees who are overtime exempt may be granted out of office time as compensation for additional hours worked. Such time off may be taken only with the prior approval of the Sheriff. A maximum of 40 hours of out of office time may taken in a calendar year, with all such time documented on the employee's time sheet.

By Order of the Sheriff